THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.10045 of 2007

Between:

D.Malla Reddy and others.

.. PETITIONERS

and

The State of A.P. and others.

.. RESPONDENTS

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WRIT PETITION No.10045 of 2007

ORDER:

It is the case of the petitioners that the 1st petitioner and his brother Late D.Narsi Reddy purchased lands in Sy.Nos.494, 495, 496 and 504 situated at Khapraipalli village, Atmakur Mandal, Nalgonda District. The said lands are surrounding the land in Sy.No.503 to an extent of Ac.0-28 gts. There is no way to go into the land in Sy.No.503 except passing through their lands. The land in Sy.No.503 is being enjoyed by the petitioners since 1971, as the said land is surrounded by the lands of the petitioners. It is stated that in fact the petitioners purchased the land in Sy.No.503 to an extent of Ac.0-28 gts., in the year 1975 and the revenue records also show that they are in possession of the said land. It is stated that the agricultural water well in Sy.No.503 is the only source of irrigation to the lands of the petitioners. The petitioners are entitled for assignment of the said land as per the terms of G.O.Ms.No.1406, dated 25-07-1958, known as Revised Land Assignment Policy, mentioned at paragraph IX of the said G.O. While so, the 5th respondent, without any authority tried to dispossess the petitioners from their lands including the agricultural water well in Sy.No.503 of Khapraipalli village, Atmakur Mandal, Nalgonda District, and also tried to close the agricultural well and felling the tress in the land with the help of JCB Proclainer, stating that the said land was assigned to his wife. In fact, the 5th respondent lodged a complaint against the petitioners stating that they attacked the 5th respondent with deadly weapons and damaged wind screen panes of JCB and caused damage to an extent of Rs.14,000/-. Basing on the said complaint, a case is registered against the petitioners in Cr.No.12 of 2007 on 27-03-2007 for the offences punishable under Sections 447 and

427 read with Section 34 IPC.

Whether the assignment granted in favour of the wife of the 5th respondent is legal and valid and whether the petitioners are entitled for any assignment land are all the matters to be decided in the appropriate Court or Forum. However, the only grievance of the petitioners is that on a false complaint lodged by the 5th respondent, the 2nd respondent registered a case against the petitioners and he is illegally interfering with the civil disputes of the petitioners and threatening them to dispossess from their lands including the water well in Sy.No.503 of Khapraipalli village, Atmakur Mandal, Nalgonda District.

The 2nd respondent filed a counter stating that the 5th respondent lodged a complaint on 27-03-2007 stating that the petitioners assaulted the 5th respondent and broken the wind screen glass panes of JCB and caused damage to an extent of Rs.14,000/-. Basing on the said complaint, a case in Cr.No.12 of 2007 was registered on 27-03-2007 and the petitioners-accused were arrested on 30-03-2007 and they were sent to the judicial custody and they have also obtained bail. It is stated that after completing investigation, the charge-sheet was filed and the same was taken on file as C.C.No.285 of 2007 on the file of Judicial First Class Magistrate, Bhongir, and the same is pending for trial.

Insofar as the allegations that at the instance of the 5th respondent, the 2nd respondent is trying to dispossess the petitioners from the land in question is concerned, the 2nd respondent denied the said allegation stating

that he never tried to dispossess the petitioners from the land in question. However, the registration of the criminal case is for taking action for the criminal liability.

Insofar as the interference of the 2nd respondent with the civil disputes is concerned, the 2nd respondent stated that he never interfered with the civil disputes of the petitioners. Therefore, I am of the opinion that the said disputed question of fact cannot be decided in this writ petition.

Insofar as the quashing of FIR is concerned, inasmuch as the charge-sheet is already filed, unless evidence is adduced and considered, it is not just and proper for this court to appreciate the contention of the petitioners, more so, in view of the allegations made in the FIR.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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30-07-2007

Note:
Issue C.C. in two days

(B/o)

Prv